

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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NOEL ARROYO-BEY,	:	
	:	
Plaintiff,	:	23-CV-3511 (AT) (OTW)
	:	
-against-	:	<u>ORDER</u>
	:	
MODERN ORTHODONTICS and KENNETH	:	
COOPERMAN,	:	
	:	
Defendants.	:	
-----X		

ONA T. WANG, United States Magistrate Judge:

This matter has been referred to me for a Report and Recommendation (ECF 19) following Plaintiff's motion for default judgement as to Defendants Modern Orthodontics and Dr. Kenneth Cooperman (ECF 16). By **Wednesday, February 7, 2024**, Plaintiff shall file **(1)** proposed findings of fact and conclusions of law, and **(2)** an inquest memorandum setting forth proof of damages. Plaintiff's proposed damages figures should be supported by documentary evidence and/or one or more affidavits establishing the proposed figures. Plaintiff must also include documentation supporting any requested attorney's fees and costs. Plaintiff must serve these documents on Defendants and file a proof of service on the docket by **February 7, 2024**.

Defendants' opposition papers (if any) shall be filed by **Wednesday, February 28, 2024**.

The Court hereby notifies the parties that it may conduct this inquest solely on the written submissions of the parties. *See Action S.A. v. Marc Rich & Co., Inc.*, 951 F.2d 504, 508 (2d Cir. 1991). If any party seeks an evidentiary hearing on damages, such party must include the request in its papers, as well as provide reasons why a hearing is necessary and detail what types of additional evidence would be presented at the hearing.

The Clerk of Court is respectfully directed to serve a copy of this Order on Defendants.

SO ORDERED.

Dated: January 10, 2024
New York, New York

/s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge